UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,682	07/24/2003	Byung-Wook Kim	678-1232 (P11297)	1050

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EXAMINER
KARIKARI, KWASI

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _24 July 2003_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-8_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
       1.☒ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Wilson et al. (hereinafter Wilson) **(US Publication No. 2004/0167968 A1)**.

Regarding **Claim 1**, Wilson discloses a method for blocking SMS short Message

Service) spam messages [spam message] in an SMS server [spam blocking server

(102)], comprising the steps of:

a): when an SMS message and its corresponding SMS message phone number

to be transmitted to a subscriber of a mobile communication terminal [electronic

communication link, see, pg. 1, lines 0022-0023] is received from a base station [a

system, see pg.1, line 0013], determining if a spam blocking option is set [server

determines if message received is a spam and therefore identifies it, see pg.1 and 2,

lines 0016 and 0017];

b): if the spam blocking option is set accessing a spam-blocking information

database, and searching for a the SMS message phone number [signature or essential

information] to determine if the SMS message phone number registered in the spam-

blocking Information data base [DB (102)] and [signatures are looked up in the

database, see pg.2, line 0023];

c): if the SMS message phone number is registered in the spam-blocking

information database ending the procedure for the received message without

performing message processing for SMS services on the received message

[appropriate action being taken, step 210 of Fig.2, when matching signatures are found

in database, pg.2, line 0023],

Regarding **Claim 2**, Wilson discloses a method for blocking SMS (Short

Message Service) spam messages in an SMS server [102], comprising the steps of:

a): when an SMS message to be transmitted to a subscriber of a mobile

communication terminal is received from a base station, determining if a spam blocking

option is set [steps 200-206 in Fig.2], inherent the features of message being received

and the blocking option];

b), if the spam blocking option is set, determining if the received message

includes a predetermined word [signature or spam message contain essential

information, see pg.2, line and step 202 in fig.2] said predetermined word being

prestored in database [system uses build knowledge from spam and store information in

the database, see pg.1, lines 0016 and 0017] and;

c): if the received message includes a predetermined word [essential information

or signature], ending the procedure for the received message without performing

message processing for SMS services on the received message [if signature matches

are found in database, then some appropriate action is taken,

see pg.2, line 0023].

Regarding **Claim 3**, Wilson discloses method for blocking spam messages in a

mobile communication terminal [email device, (106 and100)], comprising the steps of:

a): when an SMS message [email message] is received, accessing a database

previously-registered, spam-blocking information to determine if the received message

is an SMS spam message, [client software, 110 sends message to database for

identification, see pg.2, lines 0018 and 0025] and;

b); when it is determined that the received message is a spam message

controlling the terminal so as not to notify receipt of the message [action is taken or

message is deleted, see step 210 in fig.2 and line 0025]

Regarding **Claim 4**, Wilson discloses the method as set forth in claim 3, further

comprising the step of;

c): determining if a spam message is set to be stored [update], after blocking the

message-receipt notification, and storing the received SMS spam message if it is

determined that the spam message is to be stored [blacklist is updated for the purpose

of blocking spam message and if signature is not found, then message is processed,
see pg.2, lines 0017 and 0024].

Regarding **Claim 5**, Wilson discloses the method as set forth in claim 3, wherein
a phone number [essential information] of an SMS spam-message sender [sender
address is added to the blacklist, see pg.2, line 0025] is registered in the spam-blocking
information database, and said step a) further includes the step of:

a-1) detecting [matching signature] an SMS message send phone number from
the received SMS message, and determining the SMS message phone number is
registered in the spam-blocking information database [if matching signature is found in
the database, see pg.3, line 0023]

Regarding **Claim 6**, Wilson disclose the method as set forth in claim 3, wherein a
predetermined word [essential information] is registered in the spam-blocking
information database [104], and said step a) further includes the step of:

a-2): determining if the registered predetermined word is included in the received
SMS message [signatures are sent to a database, see pg.1, line 0017].

Regarding **Claim 7**, Wilson discloses the method as set forth in claim 3, wherein
a phone number of an SMS spam message sender [sender address is added to the
blacklist, see pg.2, line 0025] and a predetermine word [signature] implying an SMS
spam message are registered in the spam-blocking information database [104], and
said step a) further includes the steps of

a-1) detecting an SMS message phone number from the received SMS
message, and determining if the SMS message phone number registered in

the spam-blocking information database [spam blocking server look for signature in the

database, see pg.1 line 0018] and;

a-2) determining if the registered predetermined word [essential information] is

included in the received SMS message [see step 206 in fig.2].

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson** as

applied to claim 1 above, further in view of **Morin et al., US Patent Number (6,748,422)**

Regarding **Claim 8**, Wilson discloses the method as set forth in claim 3, but fail

to teach reading a previously stored warning message, from the database, and

transmitting the previously stored warning message to a call back number detected from

the SMS message.

Morin discloses a system and method to control sending of unsolicited

communications over a network (see col.1, lines 62-64). Morin further teaches that

spam sender are automatically issued a warning when they send SPAM, and eventually

the sender is prevented from accessing the network resources (see col.6, line 62-

col.7, line 18).

It would therefore have been obvious to one of the ordinary skill in the art to combine the SPAM notification and warning system as taught by Morin to the spam blocking system of Wilson for the benefit of achieving a system with both the capabilities of notifying SPAM senders their abuse of the system and prohibiting them from the use of the network resources if the abuse is continued.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Song et al. (2003/0225841) discloses a system and method of preventing spam mails.

Bates et al. (6,779,021) discloses a method and system for predicting and managing undesirable electronic mail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-2856. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571- 272 5905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Examiner

CHARLES APPIAH
PRIMARY EXAMINER